

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. Of: TALLARIDA ET AL

Serial No. 09/842,458

Filed: APRIL 26, 2001

For: IMPLANTABLE HEMODIALYSIS ACCESS DEVICE

Group: 3763

Customer No: 32047

Examiner: LOAN THANH

DOCKET: STD00.02

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JAN 28 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
VIA FACSIMILE (703) 872-9306**CERTIFICATE OF TRANSMISSION BY FAX**

I hereby certify that this Petition to Withdraw from Issue Under 37 CFR 1.313(c)(2) is being transmitted under 37 CFR 1.8 to Commissioner for Patents, Facsimile No. 703-872-9306, on January 28, 2005.

By

April Davis

**PETITION TO WITHDRAW FROM ISSUE UNDER 37 CFR 1.313(c)(2)**

Dear Sir:

Applicants hereby petition to have the above patent application withdrawn from Issuance.

Although the Issue Fee was paid on December 17, 2004, Applicants have not received an Issue Notification.

Applicants have become aware of an Office Action in a corresponding foreign application. Since the duty to disclose continues through issuance of a patent under Rule 1.56, Applicants request that this matter be withdrawn from issuance so that the Examiner can properly consider the foreign office action. All of the references cited in the Office Action have been previously cited in Information Disclosure Statements filed for the present application.

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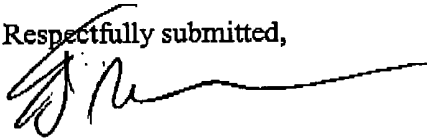
An RCE application along with an IDS citing the foreign office action is being submitted simultaneously to the UPSTO via mail.

If personal contact is deemed necessary for further disposition of this case, please call the undersigned Attorney at 603.668.6560.

A credit card payment form PTO-2038 in the amount of \$130.00 is included herewith to cover the Petition Fee under 37 CFR 1.17(h).

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 50-2121.

Respectfully submitted,



Edmund P. Pfleger  
Attorney for Applicant  
Reg. No. 41,252